

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Algian Blassingame, #245211)	Civil Action No.: 8:07-799-HMH-BHH
)	
Petitioner,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Warden, Perry Correctional Institution,)	
)	
Respondent.)	
)	

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2254. On July 19, 2007, the respondent filed a motion for summary judgment. By order of this court filed July 20, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On July 26, 2007, petitioner filed a motion for extension of time to respond to the motion for summary judgment. On July 30, 2007, an Order was issued granting petitioner an extension of time until September 24, 2007. Despite the extension of time requested by the petitioner, he failed to respond to the motion for summary judgment,.

As the petitioner is proceeding *pro se*, the court filed a second order on September 27, 2007, giving the petitioner an additional twenty days in which to file his response to the motion for summary judgment. The petitioner was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The petitioner elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in

Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

October 29, 2007.

Greenville, South Carolina